

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 533

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, PROVIDING FOR INTERIM ZONING OF THE NORTH HIGHLINE SOUTH ANNEXATION AREA; AMENDING TITLE 19 OF THE BURIEN MUNICIPAL CODE RELATED TO ZONING; AMENDING THE BURIEN ZONING MAP; PROVIDING FOR SEVERABILITY; AND, ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Burien, Washington, has determined that it would be in the best interest and general welfare of the City of Burien and the North Highline Potential Annexation Area to annex certain property lying in an area north of existing City of Burien corporate boundary, referenced as the North Highline South Annexation Area; and

WHEREAS, the Growth Management Act and the King County Countywide Planning Policies encourage transition of unincorporated urban and urbanizing areas within Potential Annexation Areas from county governance to city governance; and

WHEREAS, the North Highline South Annexation Area is within the City of Burien's Potential Annexation Area adopted pursuant to Burien City Council Ordinance No. 455; and

WHEREAS, on February 2, 2009, the City Council of the City of Burien adopted Resolution No. 288 which directed the City Clerk to file with the King County Boundary Review Board a notice of intent to annex the North Highline South Annexation Area, and

WHEREAS, the Boundary Review Board held a public hearing on the proposed annexation on March 30, 2009, and

WHEREAS, the Boundary Review Board approved the annexation on April 16, 2009 within a modified legal description of the North Highline South Annexation Area boundaries, which boundaries are legally described in Exhibit "A" attached hereto and incorporated by the reference as though fully set forth herein, and

WHEREAS, the City Council on April 27, 2009 passed Resolution No. 292 calling for a special election to be held in conjunction with the primary election on August 18, 2009 and to submit the question of annexation as a ballot question as authorized by RCW 35A.14.085, and

WHEREAS, the qualified voters within the North Highline South Annexation Area boundaries voted at the primary election to approve annexation as presented in the ballot question, and

WHEREAS, on January 11, 2010, the City Council of the City of Burien adopted Ordinance No. 527 establishing April 1, 2010 as the effective date for annexation of the North Highline South Annexation Area, and

WHEREAS, public notice was provided and the City of Burien Planning Commission held a public hearing on November 24, 2009 on the proposed amendments to the zoning code and zoning map; and

WHEREAS, the City Council has received recommendations from the Planning Commission regarding the proposed amendments; and

WHEREAS, the City Council held public meetings on January 25, 2010 and February 1, 2010 to discuss the proposed amendments; and

WHEREAS, the City of Burien provided the proposed zoning code and zoning map amendments to the Washington State Department of Commerce on November 10, 2009 and did not receive any comments by the 60-day comment deadline of January 10, 2010; and

WHEREAS, the City intends to adopt an ordinance providing for implementation of interim zoning regulations applicable to the North Highline South Annexation Area upon the effective date of annexation,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Interim Zoning Established. That the City Council of the City of Burien does hereby establish interim zoning designations for the North Highline South Annexation Area and amends Title 19 of the Burien Municipal Code as described in Exhibit "A", attached hereto and incorporated herein by this reference as if fully set forth herein.

Section 2. Zoning Map Amended. That the City Council of the City of Burien does hereby establish interim zoning designations for the North Highline South Annexation Area and amends the Burien Zoning Map as described in Exhibit "B", attached hereto and incorporated herein by this reference as if fully set forth herein.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect at 12:01 am on April 1, 2010.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 1ST DAY OF FEBRUARY, 2010, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 1ST DAY OF FEBRUARY, 2010.

CITY OF BURIEN

/s/ Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Chris Bacha, Interim City Attorney

Kenyon Disend, PLLC

Filed with the City Clerk: February 1, 2010

Passed by the City Council: February 1, 2010

Ordinance No.: 533

Date of Publication: February 4, 2010